

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
Request for Declaratory Ruling That the	)	WT Docket No. 11-110
Commission's Rules Authorize Greater	)	
Than 25 kHz Bandwidth Operations in	)	
the 800 MHz ESMR Band	)	
	)	

To: Chief, Wireless Telecommunications Bureau

**COMMENTS OF SOUTHERNLINC WIRELESS**

Southern Communications Services, Inc. d/b/a SouthernLINC Wireless ("SouthernLINC Wireless") hereby submits its comments in support of the Petition for Declaratory Ruling filed on June 3, 2011, by Sprint Nextel Corporation ("Sprint Nextel") to allow larger than 25 kHz bandwidth operations in the 800 MHz Enhanced Specialized Mobile Radio Service ("ESMR") band.<sup>1</sup>

SouthernLINC Wireless urges the Commission to grant the Petition and declare that licensees in the ESMR band may deploy and operate technologies that require greater than 25 kHz bandwidth on the 800 MHz spectrum authorized by their Economic Area ("EA") licenses. The requested declaratory ruling would be technology-neutral as it would provide licensees in the ESMR band with the ability to deploy and operate the mobile wireless technology of their choice, including 3G technologies such as CDMA and 4G technologies such as LTE.

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<sup>1</sup> / "Wireless Telecommunications Bureau Seeks Comment on Petition From Sprint Nextel to Allow Wideband Operations In 800 MHz Enhanced Specialized Mobile Radio Service Bands, WT Docket No. 11-110, Public Notice, DA 11-1152 (rel. June 30, 2011) ("Public Notice").

Significantly, the requested ruling would promote regulatory parity among CMRS providers and encourage the competitive deployment and greater availability of mobile broadband technologies and services for US consumers.

SouthernLINC Wireless emphasizes, however, that the requested ruling must expressly apply to *all* EA-licensed ESMR frequencies, including those in the expanded ESMR band in the southeastern United States – *i.e.*, the 813.5-824/858.5-869 MHz band.

## **I. INTRODUCTION**

SouthernLINC Wireless, a wholly owned subsidiary of Southern Company, operates a commercial digital 800 MHz ESMR system using Motorola’s proprietary Integrated Enhanced Digital Network (“iDEN”) technology to provide interconnected voice, dispatch, push-to-talk (“PTT”), Internet access, and data transmission services over the same handset. SouthernLINC Wireless provides these services across a 128,000 square mile service territory covering Georgia, Alabama, southeastern Mississippi, and the panhandle of Florida. SouthernLINC Wireless offers the most comprehensive geographic coverage of any mobile wireless service provider in Alabama and Georgia, serving the extensive rural territory within its footprint as well as major metropolitan areas and highway corridors. Because of its expansive and reliable coverage within the region, SouthernLINC Wireless’ service is widely used by local and statewide public safety agencies, school districts, rural local governments, public utilities, and other emergency responders. It is also utilized by commercial and other government entities in both urban and rural areas.

## **II. THE COMMISSION SHOULD CLARIFY AND DECLARE THAT EA LICENSEES IN THE 800 MHz ESMR BAND MAY DEPLOY TECHNOLOGIES USING GREATER THAN 25 kHz BANDWIDTH**

Sprint Nextel’s Petition highlights an apparent incongruity between two different provisions of Part 90 of the Commission’s Rules that, unless affirmatively addressed by the

Commission, could significantly inhibit the deployment of mobile wireless broadband technologies and restrict the availability of competitive advanced mobile broadband communications services for US consumers.

Specifically, Section 90.209 of the Commission’s Rules, which applies to Part 90 services generally, provides for a 25 kHz channel spacing and an authorized bandwidth of 20 kHz for the 809-824/854-869 MHz frequency bands.<sup>2</sup> However, as noted in the Petition, Section 90.691 of the Commission’s Rules – which is contained in Subpart S of Part 90 under the heading “Policies Governing the Licensing and Use of EA-Based SMR Systems in the 809-824/851-869 MHz Band” – appears to permit wider bandwidth operations on an EA licensee’s contiguous channels so long as the “outer” channels included in the EA license comply with the Commission’s out-of-band emissions requirement.<sup>3</sup>

SouthernLINC Wireless agrees with Sprint Nextel that the Commission’s intent for the 800 MHz ESMR band was (and continues to be) to ensure regulatory parity for EA licensees in this band by affording them the same flexibility and technological neutrality enjoyed by other CMRS licensees in the use of their licensed spectrum.<sup>4</sup> The Commission’s intent and purpose would be frustrated, however, by the continued application of the general bandwidth provision of Section 90.209, which, as noted in the Petition, was first adopted in 1982 and which has not been updated to reflect subsequent Commission decisions regarding the use of the 800 MHz band.<sup>5</sup> Regulatory parity and technological neutrality in the ESMR portion of the 800 MHz band therefore require the Commission to clarify that the more general language in Section 90.209 of

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<sup>2</sup> / 47 C.F.R. § 90.209; Petition at 3 – 4.

<sup>3</sup> / 47 C.F.R. § 90.691; Petition at 4.

<sup>4</sup> / Petition at 4 – 6.

<sup>5</sup> / Petition at 4 – 5.

its rules does not prevent an EA licensee in the 800 MHz ESMR band from deploying new broadband technologies that require greater than 25 kHz bandwidth channels.

In addition to furthering the goals of regulatory parity and technological neutrality, the requested declaratory ruling would promote the more efficient use of spectrum, since the continued application of the general bandwidth provision of Section 90.209 would otherwise limit EA licensees to effectively using only 20 kHz out of every 25 kHz of assigned bandwidth, thus rendering useless up to 20 percent of the licensee's assigned spectrum. Furthermore, grant of the requested declaratory ruling would not result in any harm to any adjacent channel users because the out-of-band emissions requirement of Section 90.691 ensures that they will not suffer interference from an EA licensee's operations in the ESMR band.

SouthernLINC Wireless submits that the requested declaratory ruling would be technologically neutral, as it would enable licensees in the ESMR band to deploy any of a number of wireless broadband technologies that support mobile broadband services, including LTE. In its Petition, Sprint Nextel noted that CDMA "requires contiguous spectrum and occupies a 1.25 MHz bandwidth." Any deployment of LTE likewise requires contiguous spectrum, as well as a minimum bandwidth of 1.4 MHz. Other mobile broadband technologies, such as WiMAX and HSPA+, have similar spectrum and bandwidth requirements that – while permissible under Section 90.691 – would appear to be prohibited by Section 90.209 absent clarification from the Commission. In other words, by granting the relief requested in the Petition, the Commission would promote technological neutrality for licensees in the 800 MHz ESMR band.

Finally, SouthernLINC Wireless emphasizes that the clarification requested in the Petition should expressly apply to *all* EA-licensed ESMR frequencies, including those in the

expanded ESMR band in the southeastern United States – *i.e.*, the 813.5-824/858.5-869 MHz band.<sup>6</sup> In order to promote regulatory parity and encourage competition and the deployment of mobile broadband services, the Commission must provide all licensees in the ESMR portion of the 800 MHz band the same flexibility to deploy wider bandwidth broadband technologies on the spectrum authorized by their EA licenses.

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<sup>6</sup> / See Petition at note 12 (“Sprint Nextel supports this rule clarification applying also to the southeastern United States in the expanded ESMR band (813.5-824 MHz/858.5-869 MHz).”).

**WHEREFORE, THE PREMISES CONSIDERED**, SouthernLINC Wireless respectfully requests the Commission to take action in this docket consistent with the views expressed herein.

Respectfully submitted,

**SOUTHERNLINC WIRELESS**

/s/ Shirley S. Fujimoto

Shirley S. Fujimoto  
David D. Rines  
FISH & RICHARDSON, P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, D.C. 20005  
T: 202.783.5070  
F: 202.783.2331

Michael D. Rosenthal  
Director of Legal and External Affairs  
SouthernLINC Wireless  
5555 Glenridge Connector, Suite 500  
Atlanta, GA 30342  
T: 678.443.1500

Its Attorneys

Holly Henderson  
External Affairs Manager  
SouthernLINC Wireless  
5555 Glenridge Connector, Suite 500  
Atlanta, GA 30342  
T: 678.443.1500

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